

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

I. Amendments to the Claims

Claim 1 has been amended to clarify features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejection discussed below. These amendments to claim 1 are supported by, at least, Fig. 3 and the corresponding description in the specification.

II. 35 U.S.C. § 103(a) Rejection

Claims 1 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Cole et al. (U.S. 2003/0101645), JP11-56118, and Knablein et al. (U.S. 4,291,494). This rejection is believed clearly inapplicable to amended claim 1 for the following reasons.

Amended independent claim 1 recites an apparatus for producing seedlings that includes a closed-type structure, seedling culture shelves including a plurality of shelf boards disposed within the closed-type structure, a plurality of fans capable of generating an air stream and being installed on each of the seedling culture shelves, a carbon dioxide gas supply unit, and a light-transmitting shield detachably disposed to cover grafted seedlings mounted on each of the plurality shelf boards. In addition, claim 1 recites that the light-transmitting shield includes a plurality of vent holes and includes two side faces that are opposing and non-adjacent side faces of the light-transmitting shield, and recites that the plurality of vent holes are formed in the two

side faces of the light-transmitting shield, such that the plurality of vent holes are formed in the opposing and non-adjacent side faces of the light-transmitting shield.

Initially, please note that the above-described 35 U.S.C. § 103(a) rejection acknowledges that Cole and JP11-56118 fail to disclose or suggest the light-transmitting shield detachably disposed to cover the grafted seedlings, as previously recited in claim 1. In light of the above, this rejection relies on Knablein for teaching the above-mentioned features which are admittedly lacking from Cole and JP11-56118. However, in view of the above-identified amendments to claim 1, which further define the structure of the side faces of the light-transmitting shield, it is submitted that Knablein fails to disclose or suggest the above-mentioned distinguishing features now required by the light-transmitting shield, as recited in amended claim 1.

Rather, Knablein merely teaches that only a top/side portion of a light transmitting shield 12 includes vent holes 45 and 46 (see Figs. 1 and 2 and col. 1, lines 50-60 and col. 2, lines 22-26).

Thus, in view of the above, it is clear that Knablein teaches that the light transmitting shield includes vent holes only located at the top/side portion thereof, but fails to disclose or suggest that the light-transmitting shield includes two side faces that are opposing and non-adjacent side faces of the light-transmitting shield, and such that the plurality of vent holes are formed in the two side faces of the light-transmitting shield, and such that the plurality of vent holes are formed in the opposing and non-adjacent side faces of the light-transmitting shield, as recited in claim 1.

The Applicants note that page 5 of the outstanding Office Action states, referring to the Knablein reference, (i) that each rectangular/square section of the light transmitting shield 12 formed between the cover ribs 40 and 41 is a “side face,” (ii) that the vent holes 45 and 46 are

located on two adjacent rectangles/squares formed by the cover ribs 40 and 41, and (iii) as a result, the vent holes 45 and 46 are actually located in the “side faces,” as previously required by claim 1.

In other words, the Office Action acknowledges that Knablein requires the vent holes to be located in two adjacent rectangles/squares (e.g., side faces) of the light-transmitting shield. However, amended independent claim recites that the plurality of vent holes are formed in the two side faces of the light-transmitting shield, and such that the plurality of vent holes are formed in the opposing and non-adjacent side faces of the light-transmitting shield.

In view of the above, it is clear that Knablein requires the vent holes to be located on adjacent faces of a single side of the light transmitting shield, which prohibits the plurality of vent holes from being formed in the two opposing and non-adjacent side faces of the light-transmitting shield, as required by claim 1.

Therefore, because of the above-mentioned distinctions it is believed clear that claim 1 and claim 7 that depends therefrom would not have been obvious or result from any combination of Cole, JP11-56118 and Knablein.

Furthermore, there is no disclosure or suggestion in Cole, JP11-56118 and/or Knablein or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Cole, JP11-56118 and/or Knablein to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that independent claim 1 and claim 7 that depends therefrom are clearly allowable over the prior art of record.

III. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Katsuyoshi OKABE et al.

By /Andrew L. Dunlap/
2010.04.01 15:11:17 -04'00'

Andrew L. Dunlap
Registration No. 60,554
Attorney for Applicants

ALD/led
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
April 1, 2010